

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN WAGNER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 1:15-CV-3049-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 20. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Terrye E. Shea represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion For Remand, **ECF No. 20**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) shall: (1) update the evidence of record, which shall include making a request for any records available from Grant Mental Health (*compare* Tr. 302 (September 2012 report that Plaintiff

1 will schedule mental health counseling in the future) *with* Tr. 79 (April 2013
2 testimony of Plaintiff that his mental health treatment ended September 2012));
3 and (2) if necessary, complete the remaining steps of the sequential evaluation
4 process, which shall include a reconsideration of the credibility of Plaintiff's
5 allegations. The ALJ will hold a new hearing and take any other actions necessary
6 to develop the record, and Plaintiff may submit additional evidence and present
7 additional argument.

8 2. **Judgment shall be entered for PLAINTIFF.**

9 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
10 **STRICKEN AS MOOT.**

11 4. An application for attorney fees may be filed by separate motion.
12 The District Court Executive is directed to enter this Order, forward copies
13 to counsel, and **CLOSE THE FILE.**

14 DATED January 11, 2016.



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JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE